

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ASHJAAR FOR EXPORT & IMPORT
OF PLANTS COMPANY,

Plaintiff,

v.

No. 14-1351

GREGORY L. WRIGHT, *et al.*,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

Pursuant to orders of reference, the magistrate judge entered two reports and recommendations (“R&Rs”): one on September 16, 2015, recommending that a default judgment for damages totaling \$1,211,932.42 be granted to Plaintiff, Ashjaar for Export and Import of Plants Company (Docket Entry “D.E.” 20); the other on November 25, 2015 (D.E. 24), recommending that pro se Defendant Gregory Wright’s motion to set aside the default judgment (D.E. 21) be denied. Both reports contained the following language:

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATION[] MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT AND RECOMMENDATION[. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.

On November 25, 2015, a copy of the second R&R was sent to Wright, via certified mail.

The address used was that which the Court’s docket sheet had on file and was the same as the

return address on a letter Wright sent to the Court postmarked September 18, 2015. (D.E. 21.)¹ On December 28, 2015, the certified mail was returned as undeliverable, as the post office could not locate an “authorized recipient.” To date, no objection to the November 25, 2015 report and recommendation has been filed, and the time for filing such objection has expired. Because the post office could not deliver the certified letter, the Court must assume that Wright has moved but has failed to apprise the Court of his new address.

Upon a de novo review of both reports and finding that the Magistrate Judge’s recommendations should not be rejected or modified, the R&Rs are hereby ADOPTED in their entirety. Ashjaar’s motion for default judgment is GRANTED, Wright’s motion to set aside the default judgment is DENIED, and final judgment shall be entered in Plaintiff’s favor.

IT IS SO ORDERED this 31st day of December 2015.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE

¹ This letter was construed by the Court as an “objection” to the September 16, 2015 report, in which Wright had requested that the Court set aside the R&R recommending a default judgment be entered against him. Wright’s objecting motion was addressed by the by the Magistrate Judge in his November 25, 2015 report.